

MAR 19 2008

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60,469-239
PA-000.05146-US**REMARKS**

Applicant thanks the Examiner for the remarks and analysis contained in the Office Action. Claims 1, 3, 9, 10, 12, 13, 15 and 18 are amended. New claims 20-23 are added. Claim 11 is cancelled. Applicant respectfully requests reconsideration of this application where claims 1-10 and 12-23 are pending.

The objection to the Abstract should be withdrawn.

The PCT priority application for this case was filed with the U.S. Receiving Office. As filed, that application included the Abstract on a separate sheet. Therefore, no separate sheet is required at this time.

Although not required, enclosed with this response is another copy of the Abstract on a separate sheet of paper.

The objection to the drawing should be withdrawn.

The objection to the drawings is based upon a misunderstanding of what is required in the drawings. MPEP §608.02(d) provides that a drawing must show every feature of the invention specified in the claims. As the claims do not include any recitation of a belt with a steel core, such a feature is not required to be shown in the drawings. The drawings clearly show a plurality of belts consistent with what is recited in claim 6, for example. The objection to the drawings should be withdrawn.

The rejection of claim 3 under 35 U.S.C. §112 can be withdrawn

By correcting the dependency of claim 3 so that it now depends on claim 2, there is antecedent basis for "the sheaves" in that claim.

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**The rejection of claim 6 under 35 U.S.C. §112
should be withdrawn**

The rejection of claim 6 must be withdrawn. Claim 6 is part of the originally filed application. MPEP §2163(I)(A) indicates that claim 6 is therefore presumed supported by the original filing. Additionally, the specification on page 4 clearly describes an example belt having characteristics consistent with what is recited in claim 6. The drawings clearly show a plurality of belts. Moreover, line 13 says "six such belts" and the word "such" refers back to the belt described in line 9, for example. One skilled in the art clearly would understand that what is recited in claim 6 was disclosed in a manner consistent with the requirements of 35 U.S.C. §112, first paragraph. Additionally, no further details are required in the description or drawings to convey to the skilled artisan that which is recited in claim 6. The rejection must be withdrawn.

**The rejections based upon the *Miyoshi, et al.*
reference must be withdrawn**

Applicants' independent claims 1, 10 and 18 recite an arrangement including an elastic element of a termination and another damper associated with a tension member as claimed. In Applicants' claims, the bias of the elastic element is overcome first and the damper acts subsequent to that happening. In other words, the spring constant or elastic coefficient of the damper is *higher* than that of the termination elastic element. Such an arrangement is the opposite of what is disclosed in the *Miyoshi, et al.* reference.

On page 10, lines 11-15, the *Miyoshi, et al.* reference teaches that its elastic member between the counterweights is "composed of a member having an elastic coefficient *smaller* than those of the ropes and thimble rod spring to thereby increase the mode displacement difference between the first and second counterweights." The Examiner cannot interpret the *Miyoshi, et al.* reference in a way that would render it to be consistent with Applicants' claims. Additionally, the *Miyoshi, et al.* reference cannot be modified in a way to make it consistent with Applicants' claimed invention. The *Miyoshi, et al.* reference teaches an arrangement that is the opposite of what is claimed. The *Miyoshi, et al.* reference cannot be modified in a way to make it perform in a manner that is the opposite of how it is intended to perform. Such a modification is not

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possible when attempting to establish a *prima facie* case of obviousness as explained in MPEP 2143.01(V) and (VI), for example.

Claim 20 is allowable.

Claim 20 presents the subject matter of original claim 6 rewritten in independent form. In the Office Action, that claim was rejected under 35 U.S.C. §103 based on a proposed combination of the *Miyoshi, et al.* and *Baranda, et al.* references. There is no *prima facie* case of obviousness. The *Baranda, et al.* reference discloses a belt corresponding to the load bearing member of Applicants' claim 20. There is nothing in the *Miyoshi, et al.* or *Baranda, et al.* references that discloses or in any way suggests using a plurality of belts as the tension member recited in Applicants' claim 20. Therefore, even if the proposed combination could be made, the result is not what the Examiner contends and there is no *prima facie* case of obviousness.

Applicants respectfully submit that this case is in condition for allowance.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE

I hereby certify that this Response, relative to Application Serial No. 10/556,801, is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on March 19, 2008.


Theresa M. Palmateer

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